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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,920	08/16/2000	Kiyohiko Yamazaki	OKI 259	3135
23995	7590	06/10/2004	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			KUMAR, PANKAJ	
			ART UNIT	PAPER NUMBER
			2631	8

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/638,920

Applicant(s)

YAMAZAKI, KIYOHICO

Examiner

Pankaj Kumar

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 14-20.Claim(s) objected to: 2-5.Claim(s) rejected: 1 and 6-13.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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Applicant argues that burst signal should not include the signal a system receives when a system is powered on since applicant meant to apply receiving bursts when the system has received a signal and then receives no signal and then receives a large signal (burst) all without turning the system off and the on. This is not persuasive. A burst occurs when a system is turned on and applicant has not claimed that they only meant to receive bursts when the system has received a signal and then receives no signal and then receives a large signal (burst) all without turning the system off and the on. Also, Barany deals with television signals and television signals are well known to have bursts. Sometimes, in a television signal, there is no picture and/or sound and at other times, there is picture and/or sound and thus these are also bursts. Accordingly, Barany's system deals with burst signals as it is dealing with television signals.

Applicant points to various parts of the specification to show what the applicant meant by the claim language and argues that the references do not disclose those parts of the specification. This is not persuasive since the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Barany does not teach synchronization pattern included in the demodulated data since the synchronization is merely a vertical synchronization and a horizontal synchronization and the horizontal synchronization is a single pulse in fig. 4a. This is not persuasive. The synchronization pattern is the vertical synchronization pattern and/or the horizontal synchronization pattern in Barany. This pattern is included in the demodulated data since Barany teaches the demodulator in 11 and a vertical synchronization and horizontal synchronization is being detected on the data from the output of the demodulator (after it has gone through a slicer and a switch) in fig. 1. Also, Barany repeatedly refers plural pulses when referring to horizontal synchronization pulses, such as in col. 3 lines 29-30, "horizontal synchronization pulses".

Applicant argues that Barany does not teach outputting a pulse each time a predetermined time elapses. This is not persuasive. Barany teaches in col. 7 lines 27-28 "... 19 ... will cause the pulse generator 41 to commence emitting a plurality of clock pulses". Since the pulse is of a clock, it is inherent for the pulse to be output each time a predetermined time (clock time) elapses. The reception of the instruction signal is the EN signal into 41.

Applicant argues that Barany does not teach storing and outputting demodulated data. This is not persuasive. Barany's invention is for a television system and thus it is outputting a version of the demodulated data in order for it to be used for the television system. As per storing, applicant's claims do not claim the purpose of storing or what they do with the stored data. If Barany did not output for television, it would store it for some other purpose otherwise all the work that Barany has put into the system would not serve any purpose if the output does not serve any purpose. Also, as Barany is for cable television, the cable television provider stores content from the content providers. Also, consumers have products, such as Tivo®, which store

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television content. Also, when television content is transmitted over the web, it is buffered or stored due to bandwidth constraints.

Applicant argues that it would not have been obvious to combine Barany and Suzuki since Suzuki is directed to digital transmission using data frames. This is not persuasive. Barany's patent applicant was filed in 1982 when primarily analog television systems existed. As the television industry evolved to digital television systems, it would have been obvious to use Suzuki in combination with Barany for the efficiency advantages pointed out in Suzuki such as synchronization of variable length frames, protection of header information (Suzuki col. 4 paragraph 1), "efficiently protecting data from a burst error" (Suzuki col. 3 lines 35-36).

TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER